



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/585,815

07/12/2006

Kuk-hyun Han

Q95632

6267

23373 7590 06/30/2009
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

HANCE, ROBERT J

ART UNIT

PAPER NUMBER

2421

MAIL DATE

DELIVERY MODE

06/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/585,815</p>	<p>Applicant(s) HAN ET AL.</p>	
	<p>Examiner ROBERT HANCE</p>	<p>Art Unit 2421</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

/ROBERT HANCE/
Examiner, Art Unit 2421

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues on pages 3-4 of the Remarks that one skilled in the art would not have been motivated to combine the teachings of Soundararajan and Yuen. Applicant supports this argument by stating that Yuen discloses that a function is initiated by entering a sequence of alphanumeric keys, and not function keys. Examiner respectfully disagrees with this line of reasoning. It is stated in Yuen (6:46-50) that functions can be initiated by entering predetermined sequences of keys, rather than providing special function keys. That these are "alphanumeric keys" and not function keys is irrelevant - the purpose of the disclosure of Yuen is to avoid cluttering an input device by allowing functions to be entered using a sequence of existing keys. One skilled in the art would readily recognize that the actual keys pressed to enter the sequence is insignificant. Further, as was stated in the previous Office Action, it was not disclosed, nor is it evident, that the specific pattern of key sequences solves any stated problem or is of any particular purpose, and it appears that the system would operate or perform equally well with any key sequence. The use of "functional keys" to enter the sequence is merely a design choice, as any input that indicates a desire to switch from one channel surfing mode to another would perform the desired task equally well.

Applicant further argues on pages 4-5 of the Remarks that since the input sequence "allows the apparatus to determine that the user wants to change a channel that does not satisfy the predetermined reference for the preference degree" the choice of the "channel up - channel down - channel up" sequence is "not arbitrary." Examiner respectfully disagrees. Examiner asserts that an input sequence of any keys that the apparatus interprets as a desire to perform the stated function would operate equally well, and that to use the channel change keys instead of any other keys is a design choice which one skilled in the art would recognize is replaceable with a sequence of other keys, "functional" or otherwise. Thus, in the system of Soundararajan, AAPA and Yuen, the combination of which a skilled artisan would have found obvious, a user switches between "control lists" (Soundararajan [0036]-[0040]; Fig. 4) by entering a sequence of keys on the remote control device. The rationale for this combination would have been to avoid cluttering a user input device with extra function keys.

Regarding Applicant's arguments regarding claims 7 and 15 on page 5 of the Remarks, Examiner respectfully disagrees for reasons stated above.